

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/623,034	FOGEL ET AL.	
	Examiner Jason M. Repko	Art Unit 2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 12/22/2005.
2.  The allowed claim(s) is/are 1-88.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Timothy Ellis on 2/6/2006. The application has been amended as follows:

Claims 89-91 have been cancelled.

#### ***Allowable Subject Matter***

2. Claims 1-88 are allowed. The following is an examiner's statement of reasons for allowance: References U.S. Patent No. 5,682,469 to Linnett et al, Japanese Patent No. 10-201954 A to Kanbe et al, U.S. Patent 4,766,541 to Bleich et al and U.S. Patent No. 6,798,426 to Tateishi show controlling a background and/or character based on user interaction. However, none of the cited prior art teaches or suggests this in combination with arrangement of animation, game play and virtual environment elements as claimed.

3. U.S. Patent Application Publication 2002/0118194 to Lanciault et al shows triggered non-linear animation. U.S. Patent 6,600,491 to Szeliski et al and Arno Schödl, Richard Szeliski, David H. Salesin, Irfan Essa, "Video textures," July 2000, Proceedings of the 27th Annual Conference on Computer Graphics and Interactive Techniques, p.489-498 shows a "continuous infinitely varying stream of images" used for representing people, animals and other objects. Stephen Pollard, Sean Hayes, "3D Video Sprites," Feb. 1998, HPL-98-25, HP Labs Technical Report discloses streaming video with computer generative virtual environments. However, none

of the cited prior art teaches or suggests the arrangement of animation and game play elements as claimed.

4. U.S. Patent No. 6,676,518 to Sawa et al and U.S. Patent No. 6,168,519 to Nakagawa et al show a two-dimensional representation of a playing area and a three-dimensional representation of a playing area displayed simultaneously. However, none of the cited prior art teaches or suggests this in combination with character control, arrangement of animation, game play and virtual environment elements as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

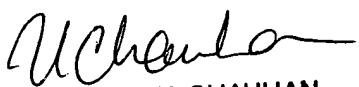
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Repko whose telephone number is 571-272-8624. The examiner can normally be reached on Monday through Friday 8:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMR



ULKA CHAUHAN  
SUPERVISORY PATENT EXAMINER